

## HOUSE MESSAGE SUMMARY

[s1964.hms]

BILL: CS/CS/SB 1964, 2nd Engrossed  
SPONSOR: Criminal Justice Committee, Judiciary Committee, Senator Webster and others  
SUBJECT: Wrongful Incarceration Act  
PREPARED BY: Senate Committee on Judiciary  
DATE: May 6, 2005

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### I. Amendments Contained in Message:

**House Amendment 1 — 362603** (body with title)

### II. Summary of Amendments Contained in Message:

**House Amendment 1** establishes procedures by which an innocent person who was wrongfully incarcerated may apply to the Legislature for compensation.

The strike-everything amendment provides that the Legislature may compensate based on economic losses, court costs, and fines paid; value of services performed for the state; the cost of future psychological care; and other items. Payment of monetary compensation may be made by an annuity. Nonmonetary compensation may include health care, tuition waivers, preferences for state employment, and waiver of fees to expunge records. The amendment also provides that the payment of relief under the amendment releases the state from any additional liability. The approval of compensation must be through an act of the Legislature.

The amendment also appears to be technically defective. A person's application for compensation must include a copy of a court order finding the person to be a wrongfully incarcerated person. No such process exists for a court to determine that a person was a wrongfully incarcerated person in accordance with the standards in the amendment.